

# Order

**Michigan Supreme Court  
Lansing, Michigan**

December 15, 2008

Clifford W. Taylor,  
Chief Justice

136617  
136653  
136983

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

GARY L. BUSH, Guardian of GARY E. BUSH,  
a Protected Person,  
Plaintiff-Appellee,

v

SC: 136617  
COA: 274709  
Kent CC: 06-000982-NM

BEHROOZ-BRUCE SHABAHANG, M.D.,  
GEORGE T. SUGIYAMA, M.D., M. ASHRAF  
MANSOUR, M.D., VASCULAR ASSOCIATES,  
P.C., and SPECTRUM HEALTH  
BUTTERWORTH CAMPUS,  
Defendants,

and

JOHN CHARLES HEISER, M.D., and WEST  
MICHIGAN CARDIOVASCULAR SURGEONS,  
Defendants-Appellants.

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GARY L. BUSH, Guardian of GARY E. BUSH,  
a Protected Person,  
Plaintiff-Appellee,

v

SC: 136653  
COA: 274708  
Kent CC: 06-000982-NM

BEHROOZ-BRUCE SHABAHANG, M.D.,  
Defendant-Appellant,

and

JOHN CHARLES HEISER, M.D., WEST  
MICHIGAN CARDIOVASCULAR SURGEONS,  
GEORGE T. SUGIYAMA, M.D., M. ASHRAF  
MANSOUR, M.D., VASCULAR ASSOCIATES,  
P.C., and SPECTRUM HEALTH  
BUTTERWORTH CAMPUS,  
Defendants.

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GARY L. BUSH, Guardian of GARY E. BUSH,  
a Protected Person,  
Plaintiff-Appellee,

v

SC: 136983  
COA: 274726  
Kent CC: 06-000982-NM

BEHROOZ-BRUCE SHABAHANG, M.D.,  
JOHN CHARLES HEISER, M.D., WEST  
MICHIGAN CARDIOVASCULAR SURGEONS,  
GEORGE T. SUGIYAMA, M.D., M. ASHRAF  
MANSOUR, M.D., and VASCULAR  
ASSOCIATES, P.C.,  
Defendants,

and

SPECTRUM HEALTH BUTTERWORTH  
CAMPUS,  
Defendant-Appellant.

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On November 19, 2008, the Court heard oral argument on the applications for leave to appeal the May 1, 2008 judgment of the Court of Appeals. On order of the Court, the applications are again considered, and they are GRANTED, limited to the issues: (1) whether the plaintiff's defective notice of intent as to defendants West Michigan Cardiovascular Surgeons and Spectrum Health tolled the period of limitations pursuant to MCL 600.5856(c), as amended by 2004 PA 87, effective April 22, 2004; and (2) whether defendant Shabahang's defective response to the plaintiff's notice of intent, MCL 600.2912b(7), was presumed valid such that the plaintiff was required to wait the full 182-day period before filing his medical malpractice action.

KELLY, J. (*concurring*).

I concur in the order granting leave to appeal. However, I would welcome briefing and argument on all issues raised in the three cases in which leave to appeal has been granted.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 15, 2008

*Corbin R. Davis*

Clerk